

MINUTES

HOLLISTER PLANNING COMMISSION

May 25, 2006

Chairman Friend called the meeting to order at 6:00 p.m.

VERIFICATION OF AGENDA POSTING: The meeting agenda was posted at City Hall on Friday, May 19, 2006 at 4:15 p.m. per Government Code Section 65954.2(a).

PLEDGE OF ALLEGIANCE

ROLL CALL: Present: Chairman Friend, Commissioners Atencio, Alvarez, Huboi and Scott

Absent: None

Staff Present: William Avera, Mary Paxton, Maria DeLeon, David Rubcic

APPROVAL OF MINUTES: April 27, 2006

<p><u>ACTION:</u> Commissioner Atencio made a motion to approve the minutes of March 23, 2006 as presented. Commissioner Huboi seconded. Motion carried 5-0-0.</p>

COMMUNICATIONS FROM THE PUBLIC: None

CONSENT CALENDAR: No items

OLD BUSINESS: None

PUBLIC HEARINGS:

1. Minor Subdivision No. 2006-1 - 418, 424, 426 Sixth Street – Fernando Gonzalez -
Application to subdivide a 9,525 square foot lot into two parcels. The property is located at 418, 424, 426 Sixth Street in a RD (Central Residential Neighborhood) Zoning District. (APN: 53-07-15) (Statutorily Exempt).

Chairman Friend opened the public hearing at 6:07 pm.

Staff presented the staff report noting that the applicant was requesting to subdivide an existing lot into two parcels in downtown Hollister. Staff stated that there were two residences located on the lot; one was a duplex and one was a single-family residence. Staff noted that the applicant was proposing to divide the lot in to two parcels; with Parcel 1, which is the duplex, to be 4,655 square feet and Parcel 2, single-family residence; proposed to be 4,869 square feet. Staff noted

that RD District has a minimum lot size of 6,000 square feet for a single-family residence and 10,000 square feet for a duplex; which would establish these two parcels as non-conforming in parcel size. Staff further noted that the request also does not conform to the standards in the City's Subdivision Ordinance; one being the minimum lot width of 35 feet. Staff stated that one parcel as proposed was 33 feet wide; which was Parcel 1 with the duplex. Staff stated that the Subdivision Ordinance also has standards of ratio of lot width to depth; which is 3:1; meaning that the width as you go back should not exceed 3 feet for the ratio and they added that both lots exceed that standard.

Staff stated that the property is in the new General Plan designation of Home Office; which is a mixed-use land use category. Staff stated that the Home Office use designation does contemplate higher density development of 8–12 units per acre; however, this proposal still does not meet even the existing higher densities of R-3 or R-4. Staff noted that it might be that this application was premature and they added that they were in the process of working on the development of standards for a zoning ordinance and subdivision ordinance to conform to the City's new General Plan. Staff stated that it might be that this application could be considered six months from now and could possibly have different findings per the new development standards. Staff stated that for these reasons Staff is recommending denial of the application. Staff noted that there was a resolution attached with findings for denial.

Chairman Friend asked staff if they were saying that this lot, even under the new zoning, would still not comply. Staff stated that it does not fit today and that it was premature to determine how it fits with the new code because they didn't have it yet. Chairman Friend stated that he remembered discussing in the past the need for smaller lots with two homes on it, however, it was just discussion and he recalls that it wasn't a real popular concept, however, he noted that there would be an opportunity for the City to allow this in certain areas given the right circumstances. Commissioner Scott added that there was discussion through growth management meetings of smaller lots with smaller homes; zero lot lines and he added that we need affordable homes that weren't large homes.

Chairman Friend opened the public hearing at 6:07 p.m.

Fernando Gonzalez, 1260 San Juan Road, Hollister, Ca., came forward to address the Commission.

Mr. Gonzalez stated that he wanted to state that he did not disagree with anything that staff has said because he understood that there were the current rules and regulations. Mr. Gonzales noted that the reason that he decided to bring it to the Commission was that he felt that the staff did not have the power to make this decision but that the Planning Commission did. Mr. Gonzales stated that he thought this project would not just benefit him and his tenants but the community as a

whole. Mr. Gonzales asked the Commission to take that into consideration.

Mr. Gonzales stated that the property already looked like two separate parcels. Mr. Gonzales commented that the “duplex” was an old Victorian and the other “single” unit was built in 1932. Mr. Gonzalez stated that there was another unit in the rear “426 ½” which he proposed removing; which would lower the density of the lot. Mr. Gonzalez stated that the other issue was that there was no parking on site, currently, and he added that all the businesses and neighbors had to compete for parking on the street. Mr. Gonzalez stated that this proposal would create five new parking spaces on site because he would be tearing down the rear unit. Mr. Gonzales felt, based on his comments, that the Commission could find that this project is a benefit to the community.

Chairman Friend stated that everything that Mr. Gonzalez said was true. Mr. Friend commented that he was not objecting to the proposal, however, at this time he felt it was premature because the City did not know the density yet due to the new zoning ordinance not being adopted yet. Mr. Friend acknowledged the importance of affordable housing and stated that they will be looking at that issue in the downtown area with the new zoning ordinance; with the possibility of higher densities. Mr. Gonzalez stated that he had this conversation with staff and he noted that even with higher densities he probably still could not meet minimum lot size requirement and his lot would still be too narrow so he didn’t feel like waiting for the new zoning ordinance would be advantageous to him. Mr. Gonzalez stated that he did agree with staff that his project did not meet the current zoning requirements and that it probably would not meet the new zoning requirements, however, he felt it was a good project and he asked the Commission to look at that as a project in itself. Chairman Friend commented that if the Commission makes an exception, now, they could get inundated with similar requests. Mr. Friend stated that if the Commission passed this then everyone in downtown could come in and request that they be able to create substandard size lots.

Commissioner Scott thought that this was a legal non-conforming use and there were several instances like this in downtown. Mr. Scott stated that these issues would be addressed again in the future. Commissioner Atencio asked if there was an avenue for the applicant to ask for an exemption. Staff responded that the current ordinance in affect today does not provide the tools for an exemption. Staff stated that this was a great example of what needs to be thought about when the City develops its new implementation ordinance. Staff stated that they were hoping to receive a draft ordinance within 60 to 90 days. Mr. William Avera, Development Services Director, stated that he didn’t think that the Planning Commission had the authority to overrule what the City Council had adopted as an ordinance, in this case the City’s Zoning Ordinance. Mr. Avera stated that the Planning Commission could certainly make a recommendation to the City Council to change the ordinance and that is going to take place with the new zoning regulations. Mr. Avera reiterated that this request does not meet current standards and that was

why they could not make findings for approval and that was why they made findings for denial.

Staff noted that the request could be continued for six months and then maybe different findings could be made with the new zoning ordinance. Commissioner Huboi discussed the Commission's options.

Ann Hall, San Benito Engineering, 502 Monterey Street, Hollister, Ca., representing the applicant, came forward to address the Commission.

Ms. Hall stated because the issue is complying with zoning and the requirement of minimum lot size of 6,000 square feet, she wanted to point out that over a third of the area on adjacent blocks were under 6,000 square feet. Ms. Hall stated that there was an average of 4,900 square feet with some of them being as low as 3,100 square feet. Ms. Hall added that there were some lots and did not meet the 3:1 width to depth ratio as well as some that did not meet the minimum 35 foot frontage. Ms. Hall stated that Mr. Gonzalez was not asking for something completely unique to the area of this property and that this request would fit in with surrounding area. Commissioner Huboi stated that he appreciated Ms. Hall's comments and he has always recommended that the City look at the older neighborhoods and take them into special consideration because of the predominance of legal non-conformity. Ms. Huboi stated that this request was well intended, however, it would have to be compelling for the City to make findings of approval. Mr. Huboi stated when the City makes its recommendations for the new zoning ordinance these types of situations need to be considered.

Sonny Flores, 424 Fourth Street, Hollister, Ca., came forward to address the Commission. Mr. Flores stated that he has lived there for five years and the parking situation is pretty bad for the adjacent homes. Mr. Flores stated that with the proposal to remove the rear unit they were reducing some density of the lot and he felt that was a benefit of the area. Commissioner Huboi asked Mr. Flores if the rear unit could be removed without subdividing the lot. Mr. Flores commented that yes they could, however, the remaining units would still be legal non-conforming and if there was a problem with one of the units they may not be able to repair them, which was the situation with the rear unit. Mr. Flores felt that with the lot split both units would be legalized. Commissioner Atencio commented that the only thing he liked about this project was taking the cars off the street and it was the only reason he would be in favor of approving this request. Mr. Atencio stated he was wary of similar requests, however, they would have to deal with them as they came before the Commission. Chairman Friend pointed out that additional parking could be made available without the lot split.

Having no one else present wishing to address the Commission Chairman Friend closed the public hearing at 6:28 pm.

Chairman Friend went through the different options that the Commission had available. Mr. Friend stated that they could approve the process, they could deny the request due to non-conformity or they could continue the item with the applicant's agreement. Commissioner Atencio asked if the Commission could send the request on to Council with a recommendation of approval. Chairman Friend responded that he thought they could recommend to the City Council that the applicant be allowed a variance on the existing zoning ordinance and recommend their approval of the subdivision. Staff commented that per Chapter 17 of the Zoning Ordinance there was not a provision for a variance in the subdivision chapter and this application was a subdivision. Staff added that the Commission could recommend something to the City Council. Commissioner Huboi commented that they could not recommend a variance if it was not a possible tool. Staff added that if you wanted the request to comply with the existing code it would have to be changed. Commissioner Atencio commented that it was his understanding that they either needed to approve or deny and he added that they did not have the authority to change the code at this time. Commissioner Huboi asked if it would be prudent to ask the applicant if they would like a continuance until the new zoning ordinance. Mr. Gonzalez commented that it was his request for an approval and he questioned what he was doing here if the Commission didn't have any authority to recommend approve of this request. Staff responded that the Commission certainly does and added that they also have the authority to make recommendations to change the ordinance or to deny this request. Staff pointed out that this request was not consistent with the current code, however, they could recommend to the City Council to make the request consistent or they could direct that the item be brought back after the new zoning ordinance has been adopted. Maria DeLeon, Interim Planning Manager, commented that the request does not meet minimum zoning standards as well as Engineering Department minimum lot widths. Ms. DeLeon stated that she understood that parking was an issue, however, parking could be addressed with the removal of the rear unit. Ms. DeLeon commented that the Commission could deny the request and the applicant would have the ability to appeal that Commission decision to the City Council. Ms. DeLeon stated that Council could then decide if they wanted to amend the zoning ordinance to fit this specific project. Ms. DeLeon stated that the City would receive the draft of the new zoning ordinance in a few months. Staff responded that they are recommending denial because they have to because the request does not meet the minimum lot size requirement of that zoning district.

ACTION: Commissioner Atencio made a motion to adopt Resolution No. PC2006-17 denying Minor Subdivision No. 2006-1. Commissioner Scott seconded. Motion carried 4-1-0.
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2. Amendment of the Residential Care Homes and Day Care Centers Policy. Chairman Friend noted that there was a request for continuance of this item on file.

Staff noted that the City Council had given direction for staff to amend this process so that it was an easier process with a reduced filing fee. Staff stated that they had come up with a draft they

thought addressed all the concerns, however, it was not included in this packet due to the continuance request. Staff recommended the Commission open the public hearing, receive any comments tonight and continue this item.

Chairman opened the public hearing at 6:38 p.m. Chairman Friend continued the item to the June 29, 2006 meeting.

NEW BUSINESS: None

PLANNING DEPARTMENT REPORTS:

1. Follow up: Healthy Communities by Design Summit. Mary Paxton, Associate Planner, stated that this was held in Salinas and was attended by several governmental agencies and members of the public. One of the speakers was Dr. Richard Jackson and he talked about changes in the health industry. Ms. Paxton stated that some health issues could be related to habits that are associated with land use; for example in inner cities residents do not have accessibility to healthy foods and that contributes to obesity and diabetes. Ms. Paxton stated that much of the focus was on how government could change land use decisions to foster healthier communities and provide more accessible modes of transportation access to schools, parks and commercial areas. Ms. Paxton stated there was some breakout discussion and the San Benito County Planning Director facilitated the one that she went to and she added that a lot of people attended from San Benito County. There was further discussion on the relationship between land use and healthy eating. Staff also offered that there were some links on the Internet that explore the issues more. Ms. Barbara Nicoara stated that there was a survey conducted by Kaiser-Permanente showing that one out of three children born after the year 2000 would be a diabetic and she added that it's not just land use or zoning. Ms. Nicoara stated that there was a combination of issues that contribute to the concern of accessibility of healthy foods and living. Commissioner Huboi thanked Ms. Nicoara for her input during the General Plan process regarding these concerns.

PLANNING COMMISSION REPORTS:

Commissioner Huboi stated that on May 8th he attended a Rotary luncheon where the guest speaker was Mr. Art Henriques, the County Planning Director. Mr. Huboi stated the Mr. Henriques had outlined the objectives of streamlining plan review and the process of the County's General Plan update. Mr. Huboi stated that there were similar land use issues and concerns with future development in the County that the City had addressed in their update. Mr. Huboi commented that it might be a good idea in the future to have a general plan workshop in the future to review the County General Plan along with other master plans.

ADJOURNMENT:

ACTION: Commissioner Scott made a motion to adjourn the meeting at 6:52 p.m. in the memory of Ron Stubblefield; a past Commissioner. Commissioner Huboi seconded. Motion carried 5-0-0.

Chairman of the Planning Commission
of the City of Hollister

ATTEST:

William B. Avera, Secretary